

Response Under 37 CFR §1.116
Expedited Procedure
Examining Group 1615

CASE 4-21233B/C1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
BURKHARD SCHLÜTERMANN
APPLICATION NO: 09/367,361

Art Unit: 1615
Examiner: SPEAR, JAMES M.

FILED: AUGUST 11, 1999

FOR: OXACARBAZEPINE FILM-COATED TABLETS

Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE AFTER FINAL REJECTION

Sir:

The following remarks are in response to the Office Action mailed November 5, 2002. A one month extension of time petition is included herewith.

REMARKS

The Examiner has rejected Claims 16-20 under 35 U.S.C. 103(a) as being unpatentable over Bourquin US 5,472,714.

Bourquin states in column 1, lines 15-21, that tablets containing oxcarbazepine have a stability problem in that during storage at room temperature, an inhomogeneous, faintly orange discoloration of the original white tablet is observed. The unwanted discoloration is caused by the formation of an oxidation product of oxcarbazepine. In order to overcome the discoloration problem and provide color stable tablets, Bourquin teaches a double layered oxcarbazepine tablet.

Applicants' claims are limited to oxcarbazepine having a median particle size of approximately 2 μm to 12 μm , and a maximum residue on a 40 μm sieve of less than or equal to 5%. As stated in applicants' specification on page 2, lines 10-15, applicants' achieve color stability, storage stability,